

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Best Available Copy

Applicant's or agent's file reference 702710PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/CA2004/001784	International filing date (day/month/year) 07 October 2004 (07-10-2004)	Priority date (day/month/year) 14 October 2003 (14-10-2003)	
International Patent Classification (IPC) or national classification and IPC IPC: B60J 5/04 (2006.01)			
Applicant INTIER AUTOMOTIVE CLOSURES INC. ET AL			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p style="margin-left: 80px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 80px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. 1 and the Supplemental Box.</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 10 May 2005 (10-05-2005)		Date of completion of this report 26 January 2006 (26-01-2006)	
Name and mailing address of the IPEA/CA Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box PCT 50 Victoria Street Gatineau, Quebec K1A 0C9 Facsimile No.: 001(819)953-2476		Authorized officer Robert Gruber (819) 953-1889	

Box No. I Basis of the report

1. With regard to the language, this report is based on:
- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☒ the description:
- ☒ pages 1-13 _____ as originally filed/furnished
- ☐ pages* _____ received by this Authority on _____
- ☐ pages* _____ received by this Authority on _____
- ☒ the claims:
- ☒ Nos. 1-12 _____ as originally filed/furnished
- ☐ pages* _____ as amended (together with any statement) under Article 19
- ☐ pages* _____ received by this Authority on _____
- ☐ pages* _____ received by this Authority on _____
- ☒ the drawings:
- ☒ pages 1/10-10/10 _____ as originally filed/furnished
- ☐ pages* _____ received by this Authority on _____
- ☐ pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing *(specify)*: _____
- ☐ any table(s) related to sequence listing *(specify)*: _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing *(specify)*: _____
- ☐ any table(s) related to sequence listing *(specify)*: _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	<u>3-12</u>	YES
	Claims	<u>1,2</u>	NO
Inventive step (IS)	Claims	<u>3,4,7-12</u>	YES
	Claims	<u>1,2,5,6</u>	NO
Industrial applicability (IA)	Claims	<u>1-12</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following document:

D1: US 4,794,735

D1 is regarded as being the closest prior art in relation to the subject matter of claim 1 and discloses (references in parenthesis applying to D1):

"A structural automotive door body (12), comprising: an inner sheet metal layer (18), the inner sheet metal layer including a latch mounting surface (22) and at least one hinge mounting surface (20); an outer sheet metal layer (14); and a structural reinforcement member (32) disposed between the inner and outer sheet metal layers (fig. 1) to reinforce the inner and outer sheet metal layers and providing at least one hinge reinforcement (36) and a latch reinforcement (38)."

D1 further discloses in column 5, lines 42-45, that the inner panel is provided with hinge assemblies and parts of the door latch assembly to thereby cooperate with the hinge reinforcement (36) and latch reinforcement (38) areas of the reinforcement member, respectively.

Furthermore, because the inner/outer panels and reinforcement member work as a system, it is considered that the structural member functions to reinforce both the inner and outer sheet metal layers, thus enabling a lighter gauge panel construction that would not have been suitable without the reinforcement member.

Claims 1 and 2 are therefore not new under Article 33(2) PCT.

Claims 5 and 6 differ only from what is shown by D1 by very well known techniques of welding and hemming in the automotive fabrication art, that documentary evidence is unnecessary and therefore do not involve an inventive step (Article 33(3) PCT).

The subject matter of claims 3,4,7-9 differ from D1 in that portions of the reinforcement member abut and support both the inner and outer sheet metal layers and therefore are considered novel and inventive. Claims 10-12 differ from D1 in that the inner sheet metal defines a U-shaped structure with a carrier assembly covering the structure and further comprising a trim component for covering the carrier assembly, and, for these reasons are also considered novel and inventive in view of the prior art.

Claims 1-12 meet the criteria for Industrial Applicability set out in PCT Article 33(4) because the claimed invention can be made or deemed useful in industry.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The scope of protection sought for claims 11 and 12 is unclear (Article 6 PCT) when dependent on claim 9 (Rule 6.4 (b) and Rule 6.4(c) PCT).

With regard to Rule 11.13(l) PCT, reference sign 71 appears in the description but not in the figures.

On page 9 of the description, line 8, it is believed to read: "... an inside release handle or lever 66 ..."

On page 12 of the description, line 10, it is believed to read: "... a fixation of slider 112 ..."